

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH**  
**JABALPUR**

**Original Application No.200/00372/2021**

Jabalpur, this Monday, the 21<sup>st</sup> day of June, 2021

**HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER**  
**HON'BLE MS. NAINI JAYASEELAN, ADMINISTRATIVE MEMBER**



Vijay Kumar Dhurve  
 S/o Late Shri D.S. Dhurve  
 Aged 59 years  
 Occupation: Joint Secretary (Jail & Transport)  
 Department Raipur (C.G.) R/o Village Bhadora  
 Jogiapara Post Sadhwani Tehsil Pindra Road  
 Distt. Gorila Pindra Marwahi (CG)  
 At present E-1 New Panchsheel Nagar  
 Katora Talab, PHED Colony Civil Lines Raipur **-Applicant**

(By Advocate –**Shri P. Shankaran Nair**)

**V e r s u s**

1. Union of India through the Secretary  
 Department of Personnel & Training  
 North Block Central Secretariat  
 New Delhi Delhi 110001

2. State of Chhattisgarh  
 Through Secretary  
 General Administration Department  
 Mahanadi Bhawan, Nava Raipur  
 Atal Nagar 492002 **- Respondents**

(By Advocate –**Shri S.P. Singh**)

**ORDER (Oral)****By Ramesh Singh Thakur, JM:-**

Heard.

2. This Original Application has been filed by the applicant challenging the punishment order dated 19.03.2020 (Annexure A/1) whereby the disciplinary authority has passed the order of major punishment.



3. The facts from the pleadings are that the applicant is an IAS Officer of 2002 batch. The show cause notice was served upon the applicant while he was working as Collector Kondagaon for certain irregularities. A departmental enquiry was conducted against the applicant under All India Service (Disciplinary and Appeal ) Rules, 1969 and enquiry officer held him guilty of all the charges leveled against him. The applicant submitted his objection but the same was not considered and respondents have sought advice from Union Public Service Commission for imposing of punishment as provided under the rules and has proposed stoppage of one increment without cumulative effect as the punishment to be imposed on the applicant. The UPSC vide their letter dated 18.11.2019 gave their opinion which was forwarded to the applicant by GAD Chhattisgarh vide their letter dated 16.12.2019 (Annexure A/4). Ultimately the respondents imposed the

punishment of not attaining basic seniority in his higher time scale vide Annexure A/1. The main ground for challenging the action of the respondents are that the respondent No.2 vide imposing the punishment did not apply its own independent mind but have acted on the recommendation of UPSC and the advice of UPSC is not binding on the State Government. The applicant has preferred an appeal dated 21.05.2020 (Annexure A/6) to respondent No.1 which is still pending with the respondent-department.



4. At this stage learned counsel for the applicant submits that the applicant will be satisfied if the appellate authority is directed to decide applicant's appeal dated 21.05.2020 (Annexure A/6) in a time bound manner.

5. Learned counsel for the respondents submits that he has no objection if the Original Application is disposed of in above manner.

6. We have considered the matter and we are of the view that the natural justice will be met if the appellate authority is directed to decide the said appeal dated 21.05.2020 (Annexure A/6) in a time bound manner.

7. Resultantly, the appellate authority is directed to decide the applicant's appeal dated 21.05.2020 (Annexure A/6), if not already

decided, within a period of three weeks after receiving the copy of this order.

8. Needless to say that the respondents shall pass the reasoned and speaking order. Respondents shall also deal with all the contentions raised in Annexure A/6.



9. With these observations, this Original Application is disposed of at admission stage itself

10. It is made clear that this Tribunal has not touched the merits of the case.

11. The applicant shall provide the copy of this order along with copy of O.A. to the respondents.

**(Naini Jayaseelan)**  
**Administrative Member**

**(Ramesh Singh Thakur)**  
**Judicial Member**

*Karuna*